

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

and

SIERRA CLUB,

Intervenor-Plaintiff,

v.

DTE ENERGY COMPANY AND
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

**UNOPPOSED MOTION TO STAY DISTRICT COURT
PROCEEDINGS PENDING RESOLUTION OF APPEALS**

Pursuant to Local Rule 7.1, Defendants DTE Energy Company and Detroit Edison Company (collectively, “DTE”) move for a stay of all district court proceedings in this matter pending the resolution of Plaintiff (“EPA”) and Plaintiff-Intervenor’s (“Sierra Club”) appeals of the Court’s March 3, 2014 Order. In support of this unopposed motion, DTE states as follows:

1. On March 3, 2014, the Court granted DTE’s motion for summary judgment on all claims related to Monroe Unit 2. ECF No. 196. About a month later, Sierra Club moved to certify that Order for appeal under Rule 54(b), and EPA moved for an order allowing it to file any similar motion by June 30, 2014. ECF Nos.

200, 201. DTE did not oppose either motion, but suggested that the Court should stay all district court proceedings pending resolution of any appeals. ECF No. 204. On May 13, 2014, the Court agreed to stay its consideration of Sierra Club's motion to certify, and granted EPA's motion to file any Rule 54(b) motion by June 30, 2014. ECF No. 213.

2. Like Sierra Club, EPA has now moved to certify the Court's March 3, 2014 Order under Rule 54(b). ECF No. 218. As before, DTE does not oppose certification but requests that the Court stay all district court proceedings pending resolution of the appeals. Otherwise, DTE would be forced to respond to the appeals and the newly-added claims in EPA and Sierra Club's amended complaints at the same time. Moreover, any ruling on the appeals could affect the legal framework for resolution of those newly-added claims.

3. For these reasons, DTE respectfully requests that the Court stay all district court proceedings pending resolution of EPA and Sierra Club's appeals. Counsel for EPA and Sierra Club have indicated that they do not oppose this motion.

This 30th day of June, 2014.

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2014, the foregoing **UNOPPOSED MOTION TO STAY DISTRICT COURT PROCEEDINGS PENDING RESOLUTION OF APPEALS** was served electronically only on counsel of record through the Court's CM/ECF system.

/s/ George P. Sibley, III